

ZONING BOARD OF APPEALS MEETING MINUTES

MARCH 7, 2005

PRESENT: Mary Cardin, Kenneth Braga, Alfred Francis, and Alternates Robert Wambolt and Adam LaFleche

ABSENT: Robert Palozej, Mark Spurling, and Alternate Joseph Snyder

STAFF

PRESENT: Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:09 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200504–Soapstone Valley Equipment for location approval for a used car dealer license per CGS 14-55 on properties located at 448 & 450 Somers Road, APN 162-001-0000 & 142-050-0000 in an I Zone.

TIME: 7:10 PM

SEATED: M. Cardin, K. Braga, A. Francis, A. LaFleche, and R. Wambolt

Arlo Hoffman, applicant, came forward to explain the request. He stated that this location was previously approved in 2002, but since he is using Soapstone Valley Equipment as his business name instead of Classic Motor Cars, the DMV requires another public hearing by the ZBA. He reviewed the site plan, noting the area for buildings, parking, and grass/landscaping. Mr. Hoffman explained that he operates Soapstone Valley Equipment at the same site and has been selling antique cars as a hobby on E-Bay.

Commissioner Wambolt stated that the existing garage operation has always been a clean operation. He questioned if the proposed driveway location would conflict with the Laidlaw bus company. Mr. Hoffman stated that the driveway to Soapstone Valley Equipment is very steep

and that is why they are not using that driveway. He noted that they have an alternate location in the back for a driveway if there is an issue with the buses.

MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200504—SOAPSTONE VALLEY EQUIPMENT.

MOVED (WAMBOLT), SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE #V200504— SOAPSTONE VALLEY EQUIPMENT.

2. #V200505—Douglas & Patty Uzupes for variances to Ellington Zoning Regulations Section 4.9a, I-Industrial Zone Permitted Uses and Section 5.2, Area & Yard Requirements Schedule: for a use variance to allow a detached garage for residential use and to reduce rear setback from 50 feet to 10 feet for a detached garage on property located at 134 Windermere Avenue, APN 026-018-0000 in an I Zone.

TIME: 7:19 PM

SEATED: M. Cardin, K. Braga, A. Francis, A. LaFleche, and R. Wambolt

Doug Uzupes, applicant, came forward to explain his request. He stated that he wants to build a 27' x 40' detached garage with a playroom above. Mr. Uzupes explained that his existing home is close to Windermere Avenue and this will allow a place for his children to play in the yard and a large enclosed inside play area as well. He will use the garage for his and his brother's personal use. He stated that his brother lives at 132 Windermere Avenue, which is the other section of the duplex. Mr. Uzupes noted that since the parcel is zoned industrial, he is required to meet a 50' rear yard setback.

Commissioner Wambolt noted that the plan does not appear to show a 10' side yard setback. Mr. Uzupes stated that he will be 11' from the side property and can revise his plan to show that. Commissioner Wambolt noted concern about allowing this structure for a residential use, then having someone want to change it to an industrial use.

Chairman Cardin asked if the garage could be moved closer to Windermere Avenue. Mr. Uzupes stated that he could move it up 10', but he would like to maintain that area for a play area for his children.

MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200505—DOUGLAS & PATTY UZUPES.

Chairman Cardin noted that the use predates zoning. Commissioner Braga stated that the entire section of Windermere Avenue has residential uses.

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #V200505— DOUGLAS & PATTY UZUPES.

CONDITION: THE APPLICANT MUST PROVIDE A REVISED PLAN FOR THE ZONING PERMIT APPLICATION SHOWING THE GARAGE, INCLUDING OVERHANGS AND PROJECTIONS, AT LEAST 10 FEET FROM SIDE PROPERTY LINE.

HARDSHIP: EXISTING RESIDENTIAL USE WAS CONSTRUCTED PRIOR TO ZONING & IF AN INDUSTRIAL BUILDING & ASSOCIATED IMPROVEMENTS WERE CONSTRUCTED, IT WOULD BE LIKELY THAT VARIANCES WOULD BE REQUIRED.

IV. UNFINISHED BUSINESS:

1. General Discussion of Zoning Regulations

Chairman Cardin asked if Ms. Goodreau would have sections of other Towns' regulations regarding non-conforming uses, lot coverage in residential zones, buffers in relation to new industrial/commercial uses and existing non-conforming uses in industrial/commercial zones, and a map of the uses within Windermere Avenue's industrial zone for April's meeting.

Chairman Cardin wanted to know what aspects of the Build Out Report the Planning & Zoning Commission are planning to implement.

TABLED TO THE APRIL 4, 2005 MEETING.

V. NEW BUSINESS: NONE

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the February 7, 2005 Meeting Minutes

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE THE FEBRUARY 7, 2005 MEETING MINUTES WITH THE FOLLOWING CORRECTION: PAGE 3—THE VOTE FOR THE MOTION TO APPROVE SHOULD BE 4:1, NOT 5:1.

2. Correspondence:

- a. Memo to Board of Selectman from Matt Davis dated, 02/22/05. (Streamline permit process)
- b. Connecticut Federation of Planning & Zoning Agencies, Length of Service awards.
- c. Memo to Dennis Milanovich from Matt Davis dated, 02/22/05. (FY 05-06 Budget)
- d. Memo to Dennis Milanovich from Matt Davis dated, 02/23/05. (Land use fees analysis)
- e. Letter to Richard Cleary from Dennis Milanovich dated, 02/09/05. (Resignation letter)
- f. Letter to ZBA from Matt Davis dated, 02/28/05. (Changes to land use fees)

PAGE 4 OF 4

Chairman Cardin reviewed the Planner's memo dated 2/28/05 regarding changes to land use fees.

BY CONSENSUS, THE BOARD REQUESTED THAT THE TOWN PLANNER SEND A MEMO TO THE BOARD OF SELECTMEN STATING THAT THE ZONING BOARD OF APPEALS AGREES WITH THE TOWN ATTORNEY'S OPINION THAT FEES SHOULD NOT BE WAIVED FOR CERTAIN GROUPS AND THAT ALL APPLICANTS MUST PAY APPLICATION FEES.

VII. ADJOURNMENT:

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:00 PM.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary